

# **EXHIBIT KK**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
NORTHERN DIVISION  
- - -

EQUAL EMPLOYMENT :  
OPPORTUNITY COMMISSION : CIVIL ACTION  
PLAINTIFF : NO WDQ-02-CV-648  
AND :  
KATHY C. KOCH :  
INTERVENOR/PLAINTIFF: :  
V :  
LA WEIGHT LOSS :  
CENTERS, INC. :  
DEFENDANT :

- - -  
OCTOBER 7, 2005  
- - -

CONTINUED 30(B)(6) ORAL  
DEPOSITION OF L.A. WEIGHT LOSS CENTERS,  
INC., TAKEN THROUGH ITS REPRESENTATIVE,  
CHRISTINE MOFFITT, WAS HELD AT THE  
OFFICES OF EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION, THE BOURSE BUILDING, 111  
SOUTH INDEPENDENCE MALL EAST, 21 SOUTH  
5TH STREET, FOURTH FLOOR, BEGINNING AT  
10:15 A.M., ON THE ABOVE DATE, BEFORE  
NANCY D. RONAYNE, A PROFESSIONAL COURT  
REPORTER AND NOTARY PUBLIC IN THE  
COMMONWEALTH OF PENNSYLVANIA.

- - -  
ESQUIRE DEPOSITION SERVICES  
FOUR PENN CENTER  
1600 JOHN F. KENNEDY BOULEVARD, 12TH FLOOR  
PHILADELPHIA, PENNSYLVANIA 19103  
(215) 988-9191

ESQUIRE DEPOSITION SERVICES

## CHRISTINE MOFFITT

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1 THAT. I'M NOT EVEN SURE THAT I  
2 UNDERSTAND THE QUESTION AS A  
3 SUBSET OF THE LARGER QUESTION AND  
4 AGAIN, I'M CONCERNED ABOUT THERE  
5 BEING A WORK-PRODUCT OR PRIVILEGE  
6 VIOLATION. SO IF YOU COULD  
7 PERHAPS REPHRASE THE QUESTION TO  
8 BE MORE SPECIFIC THEN WE CAN  
9 OBJECT ON A QUESTION BY QUESTION  
10 BASIS AS NECESSARY.

11 MR. ANDERSON: OKAY.

12 BY MR. ANDERSON:

13 Q. I'M NOT ASKING YOU TO TELL  
14 ME, TO DISCLOSE TO ME ANYTHING THAT WAS  
15 CREATED BY YOUR LAWYER BUT IF THERE ARE  
16 DOCUMENTS THAT ARE LA WEIGHT LOSS'S  
17 DOCUMENTS THAT YOU REVIEWED IN  
18 PREPARATION FOR THE DEPOSITION I WOULD  
19 LIKE TO KNOW WHAT THEY ARE?

20 MS. KARETNICK: MR.

21 ANDERSON, EVEN THE DOCUMENTS  
22 CHOSEN OR SELECTED OUT FOR REVIEW  
23 IN PREPARATION OF THIS DEPOSITION  
24 I BELIEVE WOULD FALL INTO THE

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1 WORK-PRODUCT. TO THE EXTENT THAT  
2 YOU HAVE SPECIFICALLY --

3 MR. ANDERSON: LA WEIGHT  
4 LOSS PAYROLL DOCUMENTS ARE  
5 WORK-PRODUCT, IS WHAT YOU'RE  
6 SAYING?

7 MS. KARETNICK: WELL TO THE  
8 EXTENT THAT THEY WERE CULLED FROM  
9 A LARGER SET OF DOCUMENTS IN  
10 PREPARATION SPECIFICALLY FOR THIS  
11 DEPOSITION, THEY ARGUABLY ARE  
12 WORK-PRODUCT AND I WOULD CAUTION  
13 THE WITNESS NOT TO ANSWER. TO THE  
14 EXTENT THAT YOU HAVE DOCUMENTS YOU  
15 WOULD LIKE TO SHOW THE WITNESS AND  
16 ASK THE WITNESS IF SHE'S SEEN  
17 DOCUMENTS BEFORE, OR IF SHE  
18 REVIEWED THIS DOCUMENT OVER THE  
19 PAST FEW DAYS, I WOULD ALLOW THAT  
20 QUESTION TO BE ASKED AND I WOULD  
21 ALLOW MS. MOFFITT TO ANSWER.

22 MR. ANDERSON: LA WEIGHT  
23 LOSS HAS THROUGH THEIR ATTORNEY  
24 HAS STATED AN OBJECTION TO THE

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1 QUESTION, WHAT PAYROLL DOCUMENTS  
2 THE WITNESS HAS REVIEWED IN  
3 PREPARATION FOR A DEPOSITION ABOUT  
4 PAYROLL DOCUMENTS. THE EEOC  
5 BELIEVES THE OBJECTION IS WITHOUT  
6 MERIT BUT WE WILL CONTINUE THE  
7 DEPOSITION.

8 BY MR. ANDERSON:

9 Q. WHAT ARE THE CATEGORIES OF  
10 DOCUMENTS THAT YOU REVIEWED IN  
11 PREPARATION FOR THIS DEPOSITION?

12 A. PAYROLL REPORTS, PAYROLL  
13 SYSTEMS INFORMATION, THAT'S IT.

14 Q. PAYROLL REPORTS, IS THERE  
15 ANYTHING MORE SPECIFIC ABOUT PAYROLL  
16 REPORTS THAT YOU CAN PROVIDE?

17 A. PAYROLL REPORTS THAT ARE RUN  
18 ROUTINELY IN OUR DEPARTMENT.

19 Q. HAVE YOU PRODUCED THOSE  
20 PAYROLL REPORTS THAT ARE RUN ROUTINELY?

21 A. YES.

22 Q. DID YOU SPEAK TO ANYONE  
23 BESIDES YOUR LAWYER, THE COMPANY'S  
24 LAWYER, IN PREPARATION FOR THIS

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1 DEPOSITION?

2 A. NO.

3 Q. YOU SPOKE TO NO ONE?

4 MS. KARETNICK: LET'S GO OFF  
5 THE RECORD FOR A MOMENT.

6 (A DISCUSSION OFF THE RECORD  
7 OCCURRED.)

8 MS. KARETNICK: I BELIEVE  
9 MS. MOFFITT -- IF YOU COULD ASK  
10 THE QUESTION AGAIN MS. MOFFITT  
11 WOULD LIKE TO CLARIFY HER ANSWER.

12 BY MR. ANDERSON:

13 Q. DID YOU SPEAK TO ANYONE FOR  
14 THE PREPARATION FOR THIS DEPOSITION  
15 BESIDES YOUR LAWYER?

16 A. I SPOKE WITH THE PAYROLL  
17 DEPARTMENT, KAREN SIEGEL AND JOHN JANTHOR  
18 AND NICOLE FRYER.

19 Q. WHO IN THE PAYROLL  
20 DEPARTMENT DID YOU SPEAK TO?

21 A. THE OTHER EMPLOYEES THAT  
22 WORK WITH ME.

23 Q. IN 1997 ZURICH PAYROLL WAS  
24 THE PAYROLL ADMINISTRATOR FOR LA WEIGHT

5 (Pages 165 to 168)

## CHRISTINE MOFFITT

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<p>1 LOSS; IS THAT RIGHT?</p> <p>2 A. YES.</p> <p>3 Q. AND IT WAS TESTIFIED TO</p> <p>4 BEFORE BY MR. JANTHOR THAT THE ONLY</p> <p>5 MACHINE READABLE FILES THAT CONTAINED</p> <p>6 PERSONNEL OR HIRING OR PERFORMANCE OR</p> <p>7 RECRUITMENT INFORMATION OR PAYROLL</p> <p>8 INFORMATION THAT EXISTED IN 1997 WERE</p> <p>9 MAINTAINED BY ZURICH; IS THAT RIGHT?</p> <p>10 A. YES.</p> <p>11 MS. KARETNICK: I'M GOING TO</p> <p>12 OBJECT TO YOUR QUESTION TO THE</p> <p>13 EXTENT THAT IT SUMMARIZES MR.</p> <p>14 JANTHOR'S TESTIMONY AND TO THE</p> <p>15 EXTENT THAT WITHOUT LOOKING</p> <p>16 DIRECTLY AT HIS TESTIMONY YOU ARE</p> <p>17 SIMPLY MAKING A RECOMMENDATION OF</p> <p>18 TO WHAT HE SAID.</p> <p>19 MR. ANDERSON: THAT'S RIGHT.</p> <p>20 I'M MAKING A REPRESENTATION, MR.</p> <p>21 JANTHOR'S TESTIMONY WILL SPEAK FOR</p> <p>22 ITSELF.</p> <p>23 MS. KARETNICK: OTHERWISE,</p> <p>24 MS. MOFFITT, YOU CAN GO AHEAD AND</p>	<p>1 THAT RIGHT?</p> <p>2 A. YES. IN '99 AND 2000.</p> <p>3 MS. KARETNICK: OBJECTION TO</p> <p>4 FORM. BELATED OBJECTION TO FORM.</p> <p>5 BY MR. ANDERSON:</p> <p>6 Q. AT SOME POINT IN 1999 WAS</p> <p>7 THERE AN UPGRADE TO THE ZURICH PAYROLL?</p> <p>8 A. YES.</p> <p>9 Q. DO YOU KNOW THE DATE?</p> <p>10 A. FIRST QUARTER OF '99.</p> <p>11 Q. YOU DON'T KNOW THE EXACT</p> <p>12 DATE?</p> <p>13 A. NO.</p> <p>14 Q. DOES ANYONE -- DO YOU KNOW</p> <p>15 WHO, IF ANYBODY, KNOWS THE EXACT DATE?</p> <p>16 A. NO.</p> <p>17 Q. IS IT YOUR UNDERSTANDING</p> <p>18 THAT THE UPGRADE THAT OCCURRED IN THE</p> <p>19 FIRST QUARTER OF 1999 RENDERED DATA ABOUT</p> <p>20 INACTIVE EMPLOYEES INACCESSIBLE?</p> <p>21 MS. KARETNICK: OBJECTION TO</p> <p>22 FROM. GO AHEAD AND ANSWER.</p> <p>23 THE WITNESS: NO.</p> <p>24 BY MR. ANDERSON:</p>
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<p>1 ANSWER MR. CORBETT'S QUESTION.</p> <p>2 BY MR. ANDERSON:</p> <p>3 Q. IS THAT YOUR UNDERSTANDING,</p> <p>4 THAT IN 1997 THE ZURICH PAYROLL</p> <p>5 INFORMATION WAS THE ONLY PAYROLL DATA</p> <p>6 THAT EXISTED?</p> <p>7 A. YES.</p> <p>8 Q. AND ZURICH PAYROLL WAS THE</p> <p>9 PAYROLL ADMINISTRATOR FOR LA WEIGHT LOSS</p> <p>10 FROM '97 THROUGH 2000; IS THAT RIGHT?</p> <p>11 A. YES.</p> <p>12 Q. AND THE ZURICH PAYROLL DATA</p> <p>13 WAS HOUSED ON A COMPUTER THAT WAS EITHER</p> <p>14 SOLD OR LEASED TO LA WEIGHT LOSS?</p> <p>15 MS. KARETNICK: OBJECTION TO</p> <p>16 FORM. YOU CAN GO AHEAD AND ANSWER</p> <p>17 THAT QUESTION.</p> <p>18 THE WITNESS: FROM WHAT I</p> <p>19 UNDERSTAND IT WAS NOT A COMPUTER</p> <p>20 SOLD OR LEASED IT WAS A COMPUTER</p> <p>21 OWNED BY LA WEIGHT LOSS.</p> <p>22 BY MR. ANDERSON:</p> <p>23 Q. THE SOFTWARE THAT THAT</p> <p>24 COMPUTER RAN ON WAS CALLED PAYCHOICE; IS</p>	<p>1 Q. DO YOU KNOW WHETHER IN</p> <p>2 1999 WHEN ZURICH PAYROLL UPGRADED THE</p> <p>3 PAYROLL SYSTEM THAT ADMINISTERED FOR LA</p> <p>4 WEIGHT LOSS, THAT UPGRADE RENDERED ANY</p> <p>5 DATA INACCESSIBLE?</p> <p>6 A. NO.</p> <p>7 Q. YOU DON'T KNOW?</p> <p>8 A. NO, IT DID NOT.</p> <p>9 Q. IT DID NOT RENDER ANY DATA</p> <p>10 INACCESSIBLE?</p> <p>11 A. NO.</p> <p>12 MS. KARETNICK: AGAIN, WE</p> <p>13 NEED TO GO OFF THE RECORD FOR JUST</p> <p>14 A MINUTE.</p> <p>15 (A DISCUSSION OFF THE RECORD</p> <p>16 OCCURRED.)</p> <p>17 MR. ANDERSON: OFF THE</p> <p>18 RECORD THE EEOC AND LA WEIGHT</p> <p>19 LOSS'S ATTORNEY ALIZA KARETNICK</p> <p>20 DISCUSSED A PATTERN THAT HAS</p> <p>21 DEVELOPED DURING THIS DEPOSITION</p> <p>22 AND WHICH MS. KARETNICK HAS TAKEN</p> <p>23 THE DEPOSITION OFF THE RECORD FOR</p> <p>24 PURPOSE OF SPEAKING TO THE</p>

## CHRISTINE MOFFITT

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1 WITNESS. IT IS EEOC'S IMPRESSION  
2 THAT AT LEAST PART OF THOSE  
3 DISCUSSIONS ARE NON-PRIVILEGED,  
4 COUCHING OR AT LEAST APPEAR TO BE  
5 COUCHING. THE EEOC AND LA WEIGHT  
6 LOSS HAVE AGREED THAT IN  
7 CONTINUING THIS DEPOSITION ON THIS  
8 DAY, ANY SPEAKING TO THE WITNESS  
9 BY MS. KARETNICK THAT IS NOT  
10 PRIVILEGED WILL BE MADE ON THE  
11 RECORD.

12 MS. KARETNICK: ARE YOU  
13 THROUGH?

14 MR. ANDERSON: YES.

15 MS. KARETNICK: ACTUALLY, I  
16 BELIEVE WHAT WE AGREED TO AS TO  
17 THIS INSTANCE TO THE EXTENT WE CAN  
18 RESOLVE THE ISSUE WITHOUT AN  
19 OFF-THE-RECORD DISCUSSION WITH THE  
20 WITNESS WE WILL. AND ALSO THAT LA  
21 WEIGHT LOSS'S POSITION IF IT DOES  
22 HAVE AN OFF-THE-RECORD DISCUSSION  
23 WITH THE WITNESS IF EEOC IS  
24 CONCERNED WITH THE SUBSTANCE OF

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1 THAT CONVERSATION AND WOULD LIKE  
2 TO INQUIRE ABOUT THE SUBSTANCE OF  
3 THAT CONVERSATION THAT EEOC MAY DO  
4 SO. THAT BEING SAID, WHY DON'T WE  
5 GO AHEAD AND CONTINUE WITH THE  
6 EXAMINATION. MR. ANDERSON, IF  
7 YOU'D LIKE TO PICK UP WHERE YOU  
8 LEFT OFF WE CAN TRY TO CLARIFY  
9 WHAT I THINK WAS AN ISSUE IN THE  
10 LAST QUESTION OR TWO THAT YOU  
11 ASKED.

12 MR. ANDERSON: THE EEOC  
13 OBJECTS AND HAS A STANDING  
14 OBJECTION TO ANY COUCHING OF THE  
15 WITNESS BY MS. KARETNICK IN ANY  
16 WAY, SHAPE OR FORM.

17 BY MR. ANDERSON:

18 Q. MS. MOFFITT, IN 1999 FIRST  
19 QUARTER, YOU SAID THAT THERE WAS AN  
20 UPGRADE TO THIS ZURICH PAYROLL SYSTEM,  
21 RIGHT?

22 A. YES.

23 Q. WHEN THAT UPGRADE OCCURRED  
24 WAS THERE DATA ON THAT SYSTEM?

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1 A. ON THE NEW SYSTEM?

2 Q. ON THE OLD SYSTEM PRIOR TO  
3 THE UPGRADE WAS THERE DATA ON THAT SYSTEM  
4 THAT WAS UPGRADED?

5 A. YES.

6 Q. PAYROLL DATA?

7 A. YES.

8 Q. DID THAT PAYROLL DATA  
9 CONTAIN INFORMATION ABOUT ACTIVE AND  
10 INACTIVE EMPLOYEES?

11 A. YES.

12 Q. AFTER THE UPGRADE IN FIRST  
13 QUARTER 1999, DO YOU KNOW WHETHER THE  
14 ZURICH PAYROLL DATABASE CONTAINED DATA  
15 ABOUT BOTH ACTIVE AND INACTIVE EMPLOYEES?

16 A. AFTER THE -- IN THE NEW  
17 SYSTEM YOU'RE ASKING?

18 Q. YES.

19 A. IT CONTAINED DATA ABOUT  
20 ACTIVE EMPLOYEES.

21 Q. DID IT CONTAIN DATA ABOUT  
22 INACTIVE EMPLOYEES?

23 A. NO.

24 Q. SO THE DATA ABOUT INACTIVE

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1 EMPLOYEES WAS LOST IN THE UPGRADE; IS  
2 THAT RIGHT?

3 A. THE DATA ABOUT INACTIVE  
4 EMPLOYEES WAS CONTAINED ON THE OLD  
5 SYSTEM.

6 Q. AND WAS IT CARRIED -- IT WAS  
7 NOT CARRIED OVER TO THE NEW SYSTEM?

8 A. NO.

9 Q. WHO MADE THE UPGRADE?

10 A. ZURICH PAYROLL?

11 Q. DO YOU KNOW WHY ZURICH  
12 PAYROLL DID NOT CARRY THE INACTIVE  
13 EMPLOYEES FROM THE OLD SYSTEM TO THE NEW  
14 SYSTEM?

15 A. NO, I DON'T.

16 Q. DID YOU ASK?

17 A. NO, I DIDN'T.

18 Q. DO YOU KNOW WHETHER THE  
19 SUPERVISOR ASKED?

20 A. NO, I -- I DON'T.

21 Q. WHO WAS THAT PERSON AGAIN?

22 A. MY SUPERVISOR IN 2000?

23 Q. IN 1999, FIRST QUARTER. WHO  
24 WAS THE HEAD OF THE PAYROLL DEPARTMENT IN

## CHRISTINE MOFFITT

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1 THE FIRST QUARTER 1999?  
 2 A. ACTUALLY THE CONTROLLER OF  
 3 THE COMPANY WAS IN CHARGE OF THE PAYROLL  
 4 DEPARTMENT AT THAT TIME.  
 5 Q. WHO WAS THAT?  
 6 A. JIM HORAN.  
 7 Q. CAN YOU SPELL THAT?  
 8 A. H-O-R-A-N.  
 9 Q. DO YOU KNOW WHETHER MR.  
 10 HORAN ASKED ZURICH PAYROLL WHY INACTIVE  
 11 EMPLOYEES WERE NOT CARRIED TO THE NEW  
 12 SYSTEM?  
 13 A. NO.  
 14 Q. DO YOU KNOW OF ANYONE WHO  
 15 WOULD KNOW THE ANSWER TO THAT QUESTION?  
 16 A. NO.  
 17 Q. BESIDES MR. HORAN OF COURSE.  
 18 DID MR. HORAN OR ANYONE ELSE  
 19 AT LA WEIGHT LOSS TELL YOU ANYTHING ABOUT  
 20 THE UPGRADE TO THE ZURICH PAYROLL SYSTEM  
 21 IN THE FIRST QUARTER OF 1999, ANYTHING AT  
 22 ALL?  
 23 A. ANYTHING?  
 24 Q. DID ANYBODY AT LA WEIGHT

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1 LOSS HAVE ANY CONVERSATIONS WITH YOU IN  
 2 THE FIRST QUARTER OF 1999 ABOUT THE  
 3 UPGRADE TO THE ZURICH PAYROLL SYSTEM?  
 4 A. OTHER THAN IT WAS -- WHEN IT  
 5 WAS GOING TO BE DONE.  
 6 Q. SO --  
 7 A. OTHER THAN THEM SAYING WE'RE  
 8 GETTING AN UPGRADE, NO.  
 9 Q. IN THE FIRST QUARTER OF  
 10 1999, WHAT WAS YOUR POSITION AGAIN?  
 11 A. PAYROLL CLERK.  
 12 Q. AND DID YOU HAVE -- DID YOU  
 13 USE THE ZURICH PAYROLL DATA?  
 14 A. YES.  
 15 Q. HOW DID YOU USE IT?  
 16 A. TO PROCESS THE EMPLOYEES  
 17 PAYCHECKS.  
 18 Q. DID YOU USE IT FOR ANY OTHER  
 19 PURPOSE?  
 20 A. NO.  
 21 Q. DID YOU HAVE ANY REASON TO  
 22 VIEW OR ACCESS DATA ABOUT INACTIVE  
 23 EMPLOYEES IN THE FIRST QUARTER OF 1999?  
 24 A. IF I HAD TO FILL OUT A

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1 VACATION -- I MEAN A VERIFICATION OF  
 2 EMPLOYMENT I WOULD HAVE USED IT, A  
 3 TERMINATED EMPLOYEE.  
 4 Q. DO YOU REMEMBER EVER DOING  
 5 THAT?  
 6 A. YES.  
 7 Q. WHEN YOU DID THAT DO YOU  
 8 REMEMBER SEEING INACTIVE EMPLOYEES IN THE  
 9 SYSTEM?  
 10 A. YES.  
 11 Q. AFTER THE UPGRADE TO THE  
 12 ZURICH PAYROLL SYSTEM?  
 13 A. NO. IN -- IN THE OLD SYSTEM  
 14 WHERE THE TERMINATED EMPLOYEES WERE KEPT.  
 15 Q. DO YOU REMEMBER SEEING  
 16 INACTIVE EMPLOYEES IN THE SYSTEM AFTER  
 17 THE UPGRADE?  
 18 A. NO.  
 19 Q. DID YOU EVER LOOK FOR ANY  
 20 INACTIVE EMPLOYEES?  
 21 A. NO.  
 22 Q. SO WHAT YOU DESCRIBED ABOUT  
 23 VERIFICATION OF EMPLOYMENT YOU DIDN'T DO  
 24 THAT AT ALL IN 1999 AFTER THE UPGRADE; IS

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1 THAT RIGHT?  
 2 A. YES, I WOULD HAVE BUT I  
 3 WOULD HAVE USED THE OLD PAYROLL SYSTEM  
 4 NOT THE CURRENT PAYROLL SYSTEM.  
 5 Q. WHERE WAS THE OLD PAYROLL  
 6 SYSTEM HOUSED AFTER THE UPGRADE?  
 7 A. IT WAS ON A COMPUTER.  
 8 Q. ON A DESKTOP COMPUTER?  
 9 A. YES.  
 10 Q. DID THAT COMPUTER THAT  
 11 CONTAINED LA WEIGHT LOSS PAYROLL  
 12 INFORMATION THAT WAS UPGRADED, DID IT  
 13 CONTAINED INFORMATION ABOUT EMPLOYEES  
 14 SEX?  
 15 A. YES.  
 16 Q. JOB TITLE?  
 17 A. YES.  
 18 Q. HIRE DATES?  
 19 A. YES.  
 20 Q. REHIRE DATES?  
 21 A. I DON'T REMEMBER.  
 22 Q. DID IT CONTAIN DATA ABOUT  
 23 INFORMATION OR REASONS FOR TERMINATION?  
 24 A. YES.

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1 Q. PROMOTIONS?  
 2 A. NO.  
 3 Q. OBVIOUSLY IT CONTAINED PAY  
 4 INFORMATION, RIGHT?  
 5 A. YES.  
 6 Q. PAY CHANGES?  
 7 A. NO, CURRENT RATE OF PAY.  
 8 Q. BONUSES?  
 9 A. NO.  
 10 Q. COMMISSIONS?  
 11 A. ONLY IF YOU WERE LOOKING IN  
 12 THEIR CHECKVIEW INFORMATION.  
 13 Q. SO IT WOULD HAVE CONTAINED  
 14 BONUS -- COMMISSION INFORMATION BUT IN  
 15 THE CHECKVIEW?  
 16 A. YES.  
 17 Q. PERFORMANCE RATINGS?  
 18 A. NO.  
 19 Q. DISCIPLINARY ACTIONS?  
 20 A. NO.  
 21 Q. THE INFORMATION ABOUT THE  
 22 EMPLOYEES SEX AND HIRE DATES, THE DATA  
 23 THAT YOU SAID ZURICH PAYROLL SYSTEM DID  
 24 CONTAIN PRIOR TO THE UPGRADE AND AFTER

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1 THE UPGRADE, WHAT WAS THE SOURCE OF THAT  
 2 INFORMATION? BY SOURCE I MEAN, WHAT WAS  
 3 THE ORIGINAL SOURCE OF THAT INFORMATION?  
 4 A. EMPLOYEES FILL OUT NEW HIRE  
 5 PAPERWORK THAT'S FAXED TO THE PAYROLL  
 6 DEPARTMENT.  
 7 Q. AND THEN WHAT DOES THE  
 8 PAYROLL DEPARTMENT DO WITH THAT NEW  
 9 PAPERWORK?  
 10 A. INPUTS IT INTO THE SYSTEM.  
 11 Q. IS IT A KEY ENTRY?  
 12 A. YES.  
 13 Q. THAT WAS THE SYSTEM IN 1999?  
 14 A. YES.  
 15 Q. PRIOR TO 1999?  
 16 A. YES.  
 17 Q. IS THAT THE CURRENT SYSTEM?  
 18 A. YES.  
 19 Q. DOES LA WEIGHT LOSS KEEP ALL  
 20 THOSE NEW HIRE PAPERWORK?  
 21 A. YES.  
 22 Q. DO YOU HAVE THAT PAPERWORK  
 23 GOING BACK TO 1997?  
 24 A. YES.

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1 Q. DOES THE COMPUTER THAT  
 2 HOUSED THE OLD ZURICH PAYROLL DATA, DOES  
 3 IT STILL EXIST IN LA WEIGHT LOSS'S  
 4 POSSESSION?  
 5 A. NO.  
 6 Q. DO YOU KNOW WHY IT DOESN'T?  
 7 A. NO.  
 8 Q. DO YOU KNOW WHO WOULD KNOW?  
 9 A. NO.  
 10 Q. DO YOU REMEMBER EVER  
 11 ATTEMPTING TO ACCESS DATA IN THAT  
 12 DATABASE AND REALIZING THAT IT NO LONGER  
 13 EXISTED IN LA WEIGHT LOSS'S POSSESSION?  
 14 A. IN WHAT YEAR ARE YOU --  
 15 Q. ANY YEAR?  
 16 A. IN 2001, YES.  
 17 Q. YOU REMEMBER LOOKING FOR  
 18 DATA THAT WOULD HAVE BEEN IN THE ZURICH  
 19 PAYROLL SYSTEM PRIOR TO THE UPGRADE?  
 20 A. IN THE ZURICH PAYROLL SYSTEM  
 21 FROM '97, THE OLD SYSTEM.  
 22 Q. WHAT HAPPENED WHEN YOU  
 23 LOOKED FOR IT?  
 24 A. THE PROGRAM DIDN'T EXIST.

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1 Q. DID THE COMPUTER ITSELF THAT  
 2 THE DATA WAS HOUSED ON EXIST?  
 3 A. I DON'T KNOW.  
 4 Q. WHEN YOU LOOKED FOR THAT  
 5 INFORMATION IN 2001 ABOUT 1997 DATA,  
 6 WHERE DID YOU LOOK?  
 7 A. ON THE COMPUTER -- ON THE  
 8 COMPUTER THAT I THOUGHT IT WOULD HAVE  
 9 BEEN ON.  
 10 Q. WHY DID YOU THINK IT WOULD  
 11 HAVE BEEN ON THAT COMPUTER?  
 12 A. IT WAS A COMPUTER I WAS  
 13 USING AT THE TIME. THE COMPUTER -- WE  
 14 UPGRADED OUR COMPUTERS, WE GET NEW  
 15 COMPUTERS A LOT SO FROM WHAT I REMEMBER I  
 16 WOULD HAVE THOUGHT IT WOULD HAVE STILL  
 17 BEEN ON THE SAME COMPUTER. I DON'T KNOW  
 18 EXACTLY IF THAT'S -- IF IT EXACTLY WAS  
 19 THE SAME COMPUTER THAT I WAS USING AT THE  
 20 TIME, BUT IT WASN'T, IT DIDN'T EXIST NO  
 21 MORE WHEN I WENT TO CHECK IN 2001.  
 22 Q. WAS THERE ANY TIME PRIOR TO  
 23 2001 WHEN YOU LOOKED FOR DATA IN THE  
 24 FORMER SYSTEM AFTER THE UPGRADE? BETWEEN

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1 RECORD KEEPING AS RELATED TO PAYROLL  
 2 INFORMATION?  
 3 A. WE WERE AWARE OF WHAT NEEDS  
 4 TO BE DONE AS FAR AS RECORD KEEPING  
 5 REGARDING EMPLOYEE FILES, WE KEEP ALL THE  
 6 RECORDS IN THE EMPLOYEES' FILE. THERE'S  
 7 NO SPECIFIC CONVERSATION THAT I REMEMBER  
 8 ABOUT RECORD KEEPING.  
 9 Q. YOU'RE THE PAYROLL  
 10 SUPERVISOR, IS THAT YOUR TITLE?  
 11 A. YES.  
 12 Q. AS PART OF YOUR JOB DUTIES  
 13 ARE YOU RESPONSIBLE FOR MAKING SURE THAT  
 14 THE DATA IN THE PAYROLL SYSTEM IS  
 15 ACCURATE?  
 16 A. YES.  
 17 Q. DID ANYONE AT LA WEIGHT LOSS  
 18 EVER SAY TO YOU TO MAKE SURE YOU -- TO  
 19 MAKE SURE THAT THE PAYROLL DATA IS  
 20 ACCURATE?  
 21 A. THE ONLY TIME THAT QUESTION  
 22 WOULD COME UP IS IF AN EMPLOYEE WOULD  
 23 NOTICE THAT SOMETHING WAS INACCURATE,  
 24 LIKE THEIR SOCIAL SECURITY NUMBER WAS

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1 INCORRECT ON THEIR PAYCHECK THE PAYROLL  
 2 DEPARTMENT WILL BE TOLD THE SOCIAL  
 3 SECURITY NUMBER IS INCORRECT AND THEN WE  
 4 WOULD THEN CHANGE IT.  
 5 Q. WHAT ABOUT DATA BECOMING  
 6 INACCESSIBLE, IF DATA WERE TO BECOME  
 7 INACCESSIBLE FOR SOME REASON, WOULD THAT  
 8 BE SOMETHING THAT YOU WOULD BE  
 9 RESPONSIBLE FOR FIGURING OUT THE REASON?  
 10 MS. KARETNICK: OBJECTION TO  
 11 FORM. YOU'RE ASKING HER TO  
 12 SPECULATE, YOU'RE PROVIDING HER  
 13 WITH A HYPOTHETICAL.  
 14 MR. ANDERSON: IT'S JUST A  
 15 QUESTION.  
 16 MS. KARETNICK: GO AHEAD AND  
 17 ANSWER THE QUESTION.  
 18 THE WITNESS: WHAT TYPE OF  
 19 DATA WOULD BECOME INACCESSIBLE,  
 20 THERE ISN'T ANYTHING THAT  
 21 CURRENTLY WOULD BECOME --  
 22 BY MR. ANDERSON:  
 23 Q. WELL, LET'S SAY -- LET'S GO  
 24 TO 2002, IN 2002 WERE YOU THE PAYROLL

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1 SUPERVISOR THEN?  
 2 A. YES.  
 3 Q. WHO WAS THE PAYROLL  
 4 ADMINISTRATOR THEN FOR LA WEIGHT LOSS?  
 5 A. ADP.  
 6 Q. DID ADP UPGRADE THE ADP  
 7 SYSTEM IN 2002?  
 8 A. YES.  
 9 Q. WHEN ADP UPGRADED THE SYSTEM  
 10 DID THAT RENDER SOME DATA INACCESSIBLE?  
 11 A. YES.  
 12 Q. IN CONNECTION WITH ADP  
 13 UPGRADING THE SYSTEM BY WHICH DATA BECAME  
 14 INACCESSIBLE, DID YOU GIVE ANY  
 15 INSTRUCTIONS TO ADP?  
 16 A. TO MAKE THE DATA  
 17 INACCESSIBLE?  
 18 Q. YES.  
 19 A. NO.  
 20 Q. DID YOU GIVE ANY  
 21 INSTRUCTIONS TO ADP TO NOT MAKE THE DATA  
 22 INACCESSIBLE?  
 23 A. NO.  
 24 Q. DID YOU GIVE ANY

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1 INSTRUCTIONS TO ADP TO BE CAREFUL NOT TO  
 2 MAKE THE DATA INACCESSIBLE?  
 3 A. NO.  
 4 Q. AFTER THE DATA BECAME  
 5 INACCESSIBLE DO YOU REMEMBER WHEN YOU  
 6 REALIZED THAT?  
 7 A. I DO NOT REMEMBER THE EXACT  
 8 DAY BUT I DO REMEMBER THAT HAPPENING.  
 9 Q. DO YOU REMEMBER ROUGHLY THE  
 10 TIME FRAME THAT -- THE TIME THAT HAD  
 11 ELAPSED BETWEEN THE UPGRADE AND WHEN YOU  
 12 REALIZED --  
 13 A. I WOULD SAY A MONTH.  
 14 Q. AFTER THE DATA BECAME  
 15 INACCESSIBLE, WE'RE GOING TO GET TO WHAT  
 16 DATA IT WAS IN JUST A LITTLE BIT, AFTER  
 17 THE DATA BECAME INACCESSIBLE, DID YOU,  
 18 YOU MEANING LA WEIGHT LOSS, DID LA WEIGHT  
 19 LOSS CHANGE ANY POLICIES OR PROCEDURES  
 20 WITH RESPECT TO PAYROLL DATA?  
 21 A. YES. ADP WAS TOLD NEVER TO  
 22 PURGE OR SYSTEM OF TERMINATED EMPLOYEES.  
 23 Q. HOW WERE THEY TOLD THAT?  
 24 A. THROUGH A PHONE CALL.

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## CHRISTINE MOFFITT

Page 197

1 Q. VERBALLY?  
 2 A. YES.  
 3 Q. ORALLY?  
 4 A. YES.  
 5 Q. WAS THE PHONE CALL CONFIRMED  
 6 IN WRITING?  
 7 A. NOT THAT I'M AWARE OF.  
 8 Q. IS THERE ANY WRITTEN RECORD  
 9 OF THAT INSTRUCTION?  
 10 A. NO.  
 11 Q. DID LA WEIGHT LOSS ASK ADP  
 12 TO ATTEMPT THE RETRIEVAL OF THE DATA THAT  
 13 BECAME INACCESSIBLE IN 2002?  
 14 A. FROM WHAT I REMEMBER, YES.  
 15 Q. WHEN YOU SAY FROM WHAT YOU  
 16 REMEMBER, IS THAT YOUR PERSONAL MEMORY?  
 17 A. YES.  
 18 Q. SO YOU PERSONALLY ASKED THEM  
 19 TO RETRIEVE THE DATA OR AT LEAST ATTEMPT  
 20 TO?  
 21 A. YES.  
 22 Q. DO YOU REMEMBER WHO YOU  
 23 SPOKE TO?  
 24 A. NO, I DON'T.

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1 Q. DO YOU REMEMBER WHO YOU TOLD  
 2 NEVER TO MAKE THE DATA INACCESSIBLE  
 3 AGAIN?  
 4 A. NO, I DON'T REMEMBER.  
 5 Q. DO YOU HAVE A POINT OF  
 6 CONTACT AT ADP OR AT LEAST DID YOU IN  
 7 2002?  
 8 A. YES.  
 9 Q. WHO WAS THAT PERSON?  
 10 A. I DON'T SPECIFICALLY  
 11 REMEMBER WHO IT WAS THEN. WE HAVE  
 12 CHANGED POINT CONTACTS A LOT.  
 13 Q. ARE THERE DOCUMENTS THAT  
 14 WOULD INDICATE WHO THAT PERSON IS?  
 15 A. THERE MAY BE.  
 16 Q. CAN YOU LOOK FOR THOSE FOR  
 17 US?  
 18 A. SURE.  
 19 Q. IS THERE A PERSON WHO MAY  
 20 KNOW WHO THAT CONTACT IS?  
 21 A. THERE MAY BE A PERSON AT  
 22 ADP.  
 23 Q. ANOTHER LA WEIGHT LOSS  
 24 EMPLOYEE WHO MAY KNOW BETTER THAN YOU WHO

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1 THAT PERSON IS?  
 2 A. NO.  
 3 MS. KARETNICK: MR.  
 4 ANDERSON, I'M ASSUMING THAT YOU  
 5 HAVE IN NOT SO MANY WORDS MADE A  
 6 REQUEST FOR A DOCUMENT REFLECTING  
 7 CONTACTS WITH ADP OVER THE YEARS?  
 8 MR. ANDERSON: NOT ANY --  
 9 NO, THE DOCUMENTS REFLECTING --  
 10 MS. KARETNICK: THE CONTACT  
 11 PERSON.  
 12 MR. ANDERSON: --  
 13 CONVERSATIONS WITH ADP ABOUT  
 14 ACCESSIBILITY OR INACCESSIBILITY  
 15 OF THE DATA AT ANY TIME. SAME  
 16 WITH ZURICH. AND DOCUMENTS THAT  
 17 WE INDICATE WHO THE CONTACT PERSON  
 18 IS OR AT LEAST WAS IN 2002 WHEN  
 19 THE ADP SYSTEM WAS UPGRADED.  
 20 MS. KARETNICK: FIRST  
 21 QUARTER OF 2002?  
 22 MR. ANDERSON: YES. AND WHO  
 23 THE CONTACT PERSON WAS FOR ZURICH  
 24 IN 1999 WHEN THAT SYSTEM WAS

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1 UPGRADED.  
 2 MS. KARETNICK: TO THE  
 3 EXTENT ANY OF THOSE DOCUMENTS  
 4 EXIST WE'LL PRODUCE THEM.  
 5 ALTHOUGH, I'M NOT GOING TO MAKE A  
 6 REPRESENTATION THAT ANY SUCH  
 7 DOCUMENTATION EXIST.  
 8 MR. ANDERSON: IF THE  
 9 DOCUMENTS DON'T EXIST THEN THEY  
 10 DON'T EXIST.  
 11 BY MR. ANDERSON:  
 12 Q. SO IN 2002 IT WAS YOUR  
 13 RESPONSIBILITY YOU TESTIFIED THAT TO KEEP  
 14 DATA ACCESSIBLE AND ADMONISH ADP TO NOT  
 15 MAKE THE DATA INACCESSIBLE AGAIN. IN  
 16 1999, WHEN THE ZURICH PAYROLL SYSTEM WAS  
 17 UPGRADED WHO WOULD HAVE HAD THAT  
 18 RESPONSIBILITY AT LA WEIGHT LOSS? I  
 19 THINK YOU COULDN'T REMEMBER.  
 20 A. WHO WOULD HAVE HAD THE  
 21 RESPONSIBILITY --  
 22 Q. WHO WAS THE HEAD OF PAYROLL  
 23 IN 1999?  
 24 A. THERE REALLY WASN'T A

13 (Pages 197 to 200)

## CHRISTINE MOFFITT

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1 WAS JUST FOR ONE TIME PERIOD, WAS IT PER  
 2 PAY PERIOD OR --  
 3 A. PER PAY PERIOD.  
 4 Q. WOULD YOU LOOK AT IT TO  
 5 DETERMINE WHAT A PERSON EARNED IN THAT  
 6 YEAR --  
 7 A. YES.  
 8 Q. -- IN BONUSES?  
 9 WOULD THERE BE A FIELD FOR  
 10 THAT OR WOULD YOU HAVE TO ADD UP ALL THE  
 11 DIFFERENT --  
 12 A. THERE WOULD BE AN OPTION TO  
 13 SELECT CUMULATIVE.  
 14 Q. CUMULATIVE BONUS?  
 15 A. YES.  
 16 Q. WOULD THERE BE A SIMILAR  
 17 OPTION FOR COMMISSION?  
 18 A. YES.  
 19 Q. WOULD TERMINATION BE A FIELD  
 20 IN THE SYSTEM, WHETHER A PERSON HAD BEEN  
 21 TERMINATED?  
 22 A. YES.  
 23 Q. IF A PERSON HAD BEEN  
 24 TRANSFERRED WOULD THAT SHOW IN THE SYSTEM

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1 IN SOME WAY?  
 2 A. NO.  
 3 Q. HOW ABOUT PROMOTED?  
 4 A. NO.  
 5 Q. AND IN 2002 ADP UPGRADED ITS  
 6 SYSTEM, THE PAYROLL SYSTEM THAT LA WEIGHT  
 7 LOSS USED; IS THAT RIGHT?  
 8 A. IN --  
 9 Q. DO YOU REMEMBER WHEN ADP, IF  
 10 AT ALL, UPGRADED ITS SYSTEM, THE SYSTEM?  
 11 A. THE LAST UPGRADE WAS IN  
 12 MARCH OF 2005.  
 13 Q. WERE THERE ANY UPGRADES  
 14 PRIOR TO 2005?  
 15 A. NOT THAT I CAN REMEMBER.  
 16 Q. THE DATA THAT WAS HOUSED IN  
 17 THE ADP, LA WEIGHT LOSS'S ADP SYSTEM IN  
 18 2001, REFERRING TO THAT, IS THAT  
 19 CURRENTLY ACCESSIBLE?  
 20 A. CHECKVIEW IS ACCESSIBLE FOR  
 21 TERMINATED EMPLOYEES. IF THEY'RE STILL  
 22 ACTIVE, YES, THEY'RE STILL IN THE SYSTEM.  
 23 Q. PERSONS WHO ARE INACTIVE CAN  
 24 BE VIEWED ONLY THROUGH CHECKVIEW?

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1 A. YES.  
 2 Q. FOR 2001?  
 3 A. YES.  
 4 Q. FOR 2002 COULD SOMEONE  
 5 ACCESS THE DATA FOR INACTIVE EMPLOYEES?  
 6 A. YES.  
 7 Q. FOR 2002?  
 8 A. YES.  
 9 Q. WHY IS THE DATA FOR INACTIVE  
 10 EMPLOYEES FOR 2001 NOT ACCESSIBLE EXCEPT  
 11 FOR CHECKVIEW FORMAT?  
 12 A. ADP PURGED INACTIVE  
 13 EMPLOYEES.  
 14 Q. DO YOU REMEMBER WHEN THAT  
 15 WAS?  
 16 A. SOME -- SOMETIME IN 2002,  
 17 FIRST QUARTER OF 2002.  
 18 Q. WAS THAT NOT AN UPGRADE, IN  
 19 CONNECTION WITH AN UPGRADE TO THE SYSTEM?  
 20 A. (PAUSE.)  
 21 Q. I'M TRYING -- THE REASON I'M  
 22 ASKING THE QUESTION IS I ASKED YOU ABOUT  
 23 AN UPGRADE IN 2002, YOU SAID THAT THERE  
 24 WASN'T?

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1 A. WELL THERE WASN'T A PAYROLL  
 2 UPGRADE THEY WERE OUT ADDING A FEATURE TO  
 3 THE PAYROLL SYSTEM WHICH WAS NEVER USED.  
 4 Q. THEY WERE ADDING A FEATURE  
 5 THAT WAS NEVER USED?  
 6 A. THEY WERE ADDING AN HR  
 7 SYSTEM THAT WAS NEVER USED AFTER IT WAS  
 8 PUT ON THE SYSTEM, SO IT WASN'T  
 9 NECESSARILY AN UPGRADE TO MY SIDE OF THE  
 10 PAYROLL. BUT THEY WERE DOING, I GUESS  
 11 YOU COULD SAY THEY WERE DOING AN UPGRADE  
 12 JUST NOT NECESSARILY THROUGH PAYROLL.  
 13 Q. I GOT YOU. AND IT WAS  
 14 THROUGH THAT UPGRADE BROADLY DEFINED THAT  
 15 THE INACTIVE EMPLOYEES DATA BECAME  
 16 INACCESSIBLE EXCEPT BY CHECKVIEW FORMAT?  
 17 A. YES.  
 18 Q. I THINK YOU STATED EARLIER  
 19 THAT YOU ASKED ADP TO TRY TO RETRIEVE  
 20 THAT DATA?  
 21 A. YES.  
 22 Q. THEY TOLD YOU BECAUSE --  
 23 BECAUSE OF USING THE SYSTEM SINCE THEN  
 24 YOU WOULDN'T BE ABLE TO DO IT, RIGHT?

26 (Pages 249 to 252)

## CHRISTINE MOFFITT

Page 289	Page 291
<p>1 Q. DOES EVERYONE'S CHECK HAVE 2 QUARTERLY PAY INFORMATION ON IT? 3 A. NO. 4 Q. HOW WOULD CHECKVIEW DEPICT 5 QUARTERLY PAY INFORMATION? 6 A. YOU WOULD HAVE TO SELECT 7 CHECKS THAT FELL WITHIN THAT QUARTER, 8 MANUALLY CLICK THE CUMULATIVE BUTTON AND 9 IT WOULD GIVE YOU THE TOTAL FOR THE 10 QUARTER. 11 Q. COULD YOU IN CHECKVIEW 12 FORMAT CREATE REPORTS? 13 A. NO, JUST VIEW CHECKS. 14 Q. THE STATUS TAB THERE, DO YOU 15 KNOW WHAT WAS BEHIND THAT TAB? 16 A. HIRE DATE, TERM DATE, REHIRE 17 DATE. 18 Q. DO THE TABS AND FIELDS 19 DEPICTED IN PLAINTIFF'S EXHIBIT 4 20 CORRESPOND TO THE FIELDS PRODUCED IN 21 EXCEL FORMAT IN LACD 0155.A? 22 A. YES. 23 Q. THERE'S A DIRECT CORRELATION 24 DIRECT ONE TO TWO?</p>	<p>1 HAVE SIDE TABS, ONE WILL HAVE THE 2 DEPARTMENT NUMBER AND THEN IT SAYS JOB, 3 YOU CHOOSE THE JOB TITLE. 4 MR. ANDERSON: DID YOU BRING 5 THESE, YOU DIDN'T BRING -- 6 MS. KARETNICK: NO, I 7 DIDN'T. 8 (A DISCUSSION OFF THE RECORD 9 OCCURRED.) 10 MS. KARETNICK: DO YOU HAVE 11 A COPY FOR THE WITNESS, I'LL LOOK 12 ON. 13 MR. ANDERSON: I DIDN'T. 14 MS. KARETNICK: CORBETT, DID 15 YOU BRING A COPY FOR THE WITNESS? 16 MR. ANDERSON: I DIDN'T. 17 OFF THE RECORD FOR A SECOND. 18 (A DISCUSSION OFF THE RECORD 19 OCCURRED AND A BRIEF BREAK WAS 20 TAKEN.) 21 (PLAINTIFF'S-4A MARKED FOR 22 IDENTIFICATION.) 23 BY MR. ANDERSON: 24 Q. MS. MOFFITT, I WAS ASKING</p>
Page 290	Page 292
<p>1 A. YES. 2 Q. SO ANYTHING IN LACD 0155.A 3 COULD BE VIEWED IN THE PAYROLL SYSTEM 4 ITSELF USING THE SAME CODES IN THE SAME 5 WORDS, IF I WANTED STATUS FOR MS. ABBOTT 6 IT WOULD SAY -- I ASSUME SHE'S 7 TERMINATE -- 8 A. YES. 9 Q. -- IT WOULD SAY T IN BOTH -- 10 A. YES. 11 Q. -- UNDER THE SAME HEADING, 12 THAT WOULD BE STATUS? 13 A. YES. IT MAY SAY TERMINATED. 14 Q. DOES LACD 0155.A -- THE TAB 15 POSITION, DO YOU KNOW WHAT'S BEHIND THAT? 16 A. THE EMPLOYEE'S POSITION, 17 TITLE. 18 Q. THAT'S THE SAME AS JOB 19 TITLE? 20 A. YES. 21 Q. SO YOU CHECK POSITION, WHAT 22 DOES IT SHOW, JUST ONE WORD, WHAT THEIR 23 TITLE IS? 24 A. IT WILL SHOW THE -- IT WILL</p>	<p>1 YOU A QUESTION ABOUT THE TAB THAT SAYS 2 POSITION AND IN EXHIBIT, PLAINTIFF'S 3 EXHIBIT 4A ON PAGE 2 THERE'S A TAB THAT 4 SAYS POSITION. AND THEN I SEARCHED FOR A 5 FOR -- NOT 4A -- THEN WHAT HAPPENED I 6 SEARCHED FOR DOCUMENTS THAT I THOUGHT 7 WERE DEPICTING THAT TAB. IF YOU COULD 8 TURN TO PLAINTIFF'S EXHIBIT-4A PAGE 2 -- 9 NO IT WAS PERSONAL -- OH, TAKE A LOOK AT 10 ALL THE PAGES IN 4A AND TELL ME IF A PAGE 11 DEPICTING POSITION IS THERE? 12 A. YES. 13 Q. WHERE IS IT? 14 A. THE TAB POSITION SIDE TAB 15 JOB, IT'S ACTUALLY PAGE 3. 16 Q. PAGE 3, OKAY. 17 A. IT SHOWS TITLE. 18 Q. AND WHERE WOULD THE 19 INDICATION OF TITLE APPEAR TO THE LEFT 20 THERE? 21 A. TO THE RIGHT OF THE WORD 22 TITLE. 23 Q. TO THE RIGHT. WHAT ARE 24 THOSE BOXES TO THE LEFT?</p>